

Remarks

Restriction Requirement

The Office alleges that two distinct inventions are contained in this application, namely:

- I Claims 1-12, allegedly drawn to pharmaceutical composition for transdermal delivery, classified in class 424, subclass 449.
- II Claims 13-17, allegedly drawn to method of preparing pharmaceutical composition for transdermal delivery, classified in class 424, subclass 449.
- III Claims 18-20, allegedly drawn to method for treating pain comprising administering transdermal composition, classified in class 424, subclass 449.

The Office indicates that, should Group I or III be elected, Applicant also must elect one of the following species for examination:

- I tablet
- II transdermal formulation other than tablet.

Election with Traverse


In response to the Restriction Requirement, Applicants elect *Group III*, claims 18-20, with traverse. Applicant further elect *tablet* as the species for examination.

The Office makes the case that the disclosed Groups are distinct and unrelated. Applicants' traversal is on the grounds that while the Groups may be distinct or unrelated, there should not be an undue search burden to consider the Groups together. The MPEP states that if the search and examination of all the claims in an application *can be made without serious burden*, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions. (MPEP 803.)

Applicants respectfully submit that a search for the subject matter of Group III would appear to overlap with a search for the subject matter of Groups I or II, and that it would appear that inclusion of the claims of Group I or II with the claims of Group III should not result in an undue search burden. Applicants respectfully request that the Examiner reconsider the restriction requirement.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
William A. THOMPSON

A handwritten signature in black ink, reading "Sean Myers-Payne". The signature is written in a cursive, flowing style.

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